

**BEFORE : MRS. R. V. RANE
COMPANY REGISTRAR /
TESTAMENTARY REGISTRAR
DATE : 11th January'2024**

**Sr. No. 10 - TP 126 of 2024
(ECHCBM02155632023)**

Mr. Ankur Jain, Advocate i/b. Ram Ugrah Singh for the petitioner.

Called for direction

1. Perused Petition. Heard Ld. Advocate for petitioner. This petition is for Succession Certificate in respect of certain **debts** and **securities** belonging to the deceased viz. Mohammed Yusuf Ahmed Shaikh, muslim, who died at **Mumbai** on 23.03.2021. Copy of death certificate is annexed at Exhibit- A to the petition. Copy of the identification proof of the deceased is annexed at Exhibit - A1.
2. Advocate for petitioner submits that the said deceased ordinarily resided at Krishn Chander Marg, R.No. 188 Transit Camp, Chawl No.24, Bandra (W), Greater Mumbai, Gr. Mumbai, Mumbai Suburban, Maharashtra, 400050 and he has left properties within Greater Mumbai in State of Maharashtra and within the Jurisdiction of this Hon'ble Court.
3. Advocate for petitioner submits that the legal heirs left behind the deceased surviving as **his** only heirs next-of-kin according to **Mohammedan Law** are mentioned in para no. 4 of the said petition.

Advocate for petitioner submits that the deceased profess Mohammad law and it is not mentioned in the petition, which branch of Mohammedan law the deceased follow so that to establish the right of the petitioner in the

assets of the deceased. If the deceased is Sunni Muslim then shariat law applicable then the share of the wife of the deceased will be 1/8 share . If the petitioner is shia muslim then the inhabitant law of succession will be different. Hence, Advocate for petitioner requires to make necessary averment in the petition after taking instructions from his client and make necessary correction into the petition in para no. 5 as well as para no. 4 of the petition. Advocate for petitioner request that he may be allowed to make necessary correction in para no. 4 and para no. 5 and reverification may be dispensed with. The said request is accepted. Reverification is dispensed with.

4. Advocate for petitioner submits that the said deceased died intestate and that due and diligent search has been made for Will but none has been found.

5. Advocate for petitioner submits that no application has been made to any District Court or District Delegate or to any High Court for Probate of any Will of the said deceased or for Letters of Administration will or without Will annexed to his property and credits or any petition for Succession Certificate.

6. In the aforesaid circumstances, I pass the following order:

ORDER

- a. Office to Issue General Notice within two weeks from the date of uploading of this order.
- b. Advocate for the petitioner to file Affidavit of Service of General Notice and also effect service upon non-consenting legal heirs, if any as per Rules 399 and 400 of the Bombay High Court Original Side Rules and also justify surety of non-consenting legal heirs and furnish Administration Bond within one week thereafter.
- c. Office to verify if any cross petition is filed, if cross petition is filed, then take steps to place before the

Hon'ble Court under Rule 407 of High Court Original Side Rules.

- d. List the matter on 14.02.2024 for compliance.

ksa/rvr

**COMPANY REGISTRAR/
TESTAMENTARY REGISTRAR**